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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,524	10/17/2006	Alexander Azzawi	100717-688 KGB	1427
27384	7590	04/27/2010	EXAMINER	
Briscoe, Kurt G.			GUDIBANDE, SATYANARAYAN R	
Norris McLaughlin & Marcus, PA			ART UNIT	PAPER NUMBER
875 Third Avenue, 8th Floor				1654
New York, NY 10022				
				MAIL DATE
				DELIVERY MODE
				04/27/2010 PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/583,524	AZZAWI ET AL.	

  

<b>Examiner</b>	<b>Art Unit</b>	
SATYANARAYANA R. GUDIBANDE	1654	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
  - a)  The period for reply expires 3 months from the mailing date of the final rejection.
  - b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
  - (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13.  Other: \_\_\_\_\_.

/Andrew D Kosar/  
Primary Examiner, Art Unit 1654

Continuation of 3. NOTE: The claims as amended raise new issues that requires further search and consideration. See item # 11 below.

Continuation of 11. does NOT place the application in condition for allowance because: The claims as amended does not overcome the rejection 102/103 on record. Applicants argue that steps c) and d) of claim 10 are mandatory and not optional. It has been clearly illustrated in the rejection that the structure (the tubing) beyond the micromixer in figure 3 of Spimans represents the delay structure wherein reaction mixture is retained before it enters the mass spectrometer. Since the tubing is of a particular length, the reaction mixture is retained in the delay structure for a predetermined time that depends on the volume of the delay structure (volume of the tubing connected to the micromixer). Hence the mandatory steps c) and d) are present in the cited reference of Spikmann. With regards, to instant claim 11 applicants argue that claim 11 further limits the claim 10 in which the 'reaction mixture pumped in circulation in a circuit in the delay structure and a second micro-mixer is inserted into the circuit'. It should be noted that the reference to the 'circuit' in claim 11 lacks antecedent basis in the base claim 10 and hence claim 11 does not further limit the invention recited in claim 11. With regards to argument about that " Applicants respectfully point out that 37 CFR § 1.75(c) nowhere requires that a dependent claim limit the limitations recited in a claim from which it depends. Instead, 37 CFR § 1.75(c) only requires that a dependent claim "further [limit] another claim." It should be noted the section from the 35 CFR 1.75 (c ) states that " One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application". It clearly states that the dependent claims 'refer back' to the claims from which depends from for further limiting the base claim and it is not just "another claim". .